

House File 2022 - Introduced

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BY WOLFE

A BILL FOR

1 An Act modifying the criminal offense of accommodation, and
2 providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.410, Code 2016, is amended to read
2 as follows:

3 **124.410 Accommodation offense.**

4 In a prosecution for unlawful delivery or possession with
5 intent to deliver marijuana, if the prosecution proves that
6 the defendant violated the provisions of section 124.401,
7 subsection 1, by proving that the defendant delivered or
8 possessed with intent to deliver ~~one-half ounce or less than~~
9 forty-two and one-half grams of marijuana ~~which was not offered~~
10 ~~for sale~~, the defendant is guilty of an accommodation offense
11 and rather than being sentenced as if convicted for a violation
12 of [section 124.401, subsection 1](#), paragraph "d", shall be
13 sentenced as if convicted of a violation of section 124.401,
14 subsection 5. An accommodation offense may be proved as an
15 included offense under a charge of delivering or possessing
16 with the intent to deliver marijuana in violation of section
17 124.401, subsection 1. [This section](#) does not apply to hashish,
18 hashish oil, or other derivatives of marijuana as defined in
19 section 124.101, subsection 19.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill modifies the criminal offense of accommodation.

24 The bill provides that in a prosecution for unlawful
25 delivery or possession with intent to deliver marijuana, if
26 a defendant delivers or possesses with intent to deliver
27 less than 42.5 grams of marijuana, the defendant is guilty
28 of an accommodation offense rather than unlawful delivery or
29 possession with intent to deliver marijuana under Code section
30 124.401(1)(d).

31 The bill effectively lowers the criminal penalty for
32 unlawful delivery of or possession of with the intent to
33 deliver certain amounts of marijuana by increasing the amount
34 of marijuana that can be delivered or possessed with intent
35 to deliver and prosecuted as an accommodation offense and by

1 striking the requirement that the marijuana not be "offered for
2 sale".

3 Under current law, a defendant commits an accommodation
4 offense when the defendant unlawfully delivers or possesses
5 with intent to deliver one-half ounce or less of marijuana
6 which was not offered for sale.

7 Under the bill and in current law, if a defendant is found
8 guilty of an accommodation offense, the defendant shall be
9 sentenced as if the person were convicted of a violation of
10 possessing marijuana under Code section 124.401(5).

11 The bill lowers the criminal penalty from a class "D"
12 felony to a serious misdemeanor for a defendant who unlawfully
13 delivers or possesses with intent to deliver marijuana if the
14 marijuana is not offered for sale and the amount of marijuana
15 involved is less than 42.5 grams but more than one-half ounce.
16 The criminal penalty remains the same for an accommodation
17 offense involving one-half ounce or less of marijuana and the
18 criminal penalty also remains the same for marijuana offenses
19 involving 42.5 grams or greater amounts.

20 A first violation for accommodation under Code section
21 124.401(5) is a serious misdemeanor punishable by imprisonment
22 in the county jail for not more than six months or by a fine
23 of not more than \$1,000, or by both. A second or subsequent
24 conviction for an accommodation offense may be punished under
25 Code section 124.411 by imprisonment for a period not to exceed
26 three times the term otherwise authorized, or fined not more
27 than three times the amount otherwise authorized, or punished
28 by both imprisonment and fine.